

OLC 78-0545/1

10 April 1978

MEMORANDUM FOR THE RECORD

SUBJECT: Proposed Firearms Legislation

I discussed with Mr. Arnold Donahue, OMB, the Director's proposed firearms legislation package, regarding which Mr. Donahue earlier had raised a concern. In particular, Mr. Donahue was concerned that clause (ii) in the proposal could be read more broadly than we in fact intended; that clause as it appears in the proposed package is as follows: "... (ii) facilities, properties, monies and other valuable assets owned or utilized by the Agency;..." I proposed to Mr. Donahue that this provision be amended to read as follows, to make clear that "monies and other valuable assets" is intended to comprise a single category of items that could be protected by Agency employees carrying firearms: "... (ii) facilities and other properties owned or utilized by the Agency, and monies and other valuable assets; ..." I indicated that legislative history addressing this provision could make clear that the particular language relating to "monies and other valuable assets" is intended to comprise currency, gold, negotiable instruments and other "forms of consideration" and nothing more; we, of course, would have no objection to such legislative history. Mr. Donahue said also that in his opinion the term "properties" appearing in this provision should be limited explicitly to "real properties." I told Mr. Donahue that with this limitation the provision arguably would not afford authority to protect by the use of firearms property such as machinery or vehicles and other items not affixed to real property. Mr. Donahue said he was raising these concerns with us because similar questions probably would arise in the Congress, and we should be prepared to document and explain our case fully in support of the language we were proposing. He said he would transmit the information I had given him to Mr. Robert Carlstrom, on the Legislative Reference staff of OMB. I will be in contact with Mr. Carlstrom to finalize the firearms legislation package.

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Assistant Legislative Counsel

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